PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex Parte Carl N. Baron

Appeal No. _____

Applicant:	Carl N. Baron
Serial No.:	09/886,895
Filed:	June 21, 2001
Group Art Unit:	2157
Confirmation No.:	6116
Examiner:	Osman, Ramy M.
Title:	**METHOD AND APPARATUS FOR REGULATING NETWORK ACCESS TO FUNCTIONS OF A CONTROLLER**
Attorney Ref. No.:	NOR-1006

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APPEAL BRIEF

This brief is in furtherance of Appellant's Notice of Appeal filed March 16, 2007, appealing the decision of the Examiner dated December 18, 2006, finally rejecting claims 1-3 and 5-7 (all pending claims). A copy of the claims appears in the Claims Appendix to this brief.

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I. Real Party In Interest

The real party in interest in this appeal is Nordson Corporation, a corporation of Ohio having a place of business at 28601 Clemens Road, Westlake, Ohio 44145.

II. Related Appeals and Interferences

There are no related appeals or interferences known to Appellant, the Appellant's legal representative, or to the assignee which will directly affect or be directly affected by or have a bearing on the decision of the Board in the present appeal.

III.   <u>Status of Claims</u>

Claims 1-3 and 5-7 remain pending after the final rejection dated December 18, 2006, and are subject to this appeal. Claims 4 and 8 have been withdrawn.

Claims 1 and 5 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Papadopoulos et al., U.S. Patent No. 6,282,454 in view of Shannon et al., U.S. Patent No. 6,233,618.

IV.   Status of Amendments

There are no amendments pending after the final rejection of this application.

V.   Summary of Claimed Subject Matter

Claims 1 and 5 are the only independent claims on appeal.

Independent Claim 1

Independent claim 1 recites a method of regulating network access to selected functions of a controller of a machine. The method comprises the steps of coupling a controller (14) of a machine (12) to a network (24) having a web server (20) configured to publish a plurality of web screens (22) configured to control selected functions of the controller (14), with the controller (14) being operatively coupled to and independent of the web server (20) (see Page 6, line 12 through Page 7, line 21 and Figs. 1, 2 and 4, for example).

The recited method further comprises the steps of publishing web screens (22) on the network (24) via the web server (20) for receipt by at least one remote computer (26) coupled to the web server (20) via the network (24), identifying at the web server (20) a network address (30) of the user accessing the web server (20) via the network (24), and restricting access of the user to selected published web screens of a plurality of web screens published by the web server (20) based upon the identified address (30) of the user (see Page 7, line 12 through Page 8, line 16, Page 14, line 16 through Page 16, line 22 and Fig. 4, for example).

Independent Claim 5

Independent claim 5 recites an apparatus for regulating access to selected functions of a controller of a machine from a computer network. The apparatus comprises a web server (20) operatively coupled to and independent of the controller (14), wherein the web server (20) has a network address and publishes a plurality of

web screens (22) on the network (24) configured to control the selected functions of the controller (14) (see Page 6, line 12 through Page 7, line 21, Page 8, lines 4-16, and Figs. 1, 2 and 4, for example).

The apparatus further comprises at least one remote computer (26) coupled to the web server (20) and having a unique network address (30), and program code running on the web server (20) configured to identify a network address of the user accessing the web server (20) via the at least one remote computer (26) or web server (20) and to restrict access of the user to selected published web screens based upon the identified network address (see Page 8, lines 4-16, Page 16, lines 7-14 and Fig. 4, for example).

VI.   **Grounds of Rejection to be Reviewed on Appeal**

A.   The rejections of claims 1 and 5 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

B.   The rejections of claims 1-3 and 5-7 under 35 U.S.C. §103(a) as allegedly being unpatentable over Papadopoulos et al., U.S. Patent No. 6,282,454 in view of Shannon et al., U.S. Patent No. 6,233,618.

VII.   Argument

A.   The Rejections of Claims 1 and 5 Under 35 U.S.C. §112, Second Paragraph

Claims 1 and 5 stand rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. For the reasons set forth below, Appellant respectfully requests that the rejections be reversed.

Each of independent claims 1 and 5 recites that the controller of the machine is operatively coupled to and independent of the web server that publishes the plurality of web screens. This claimed feature is described at Page 6, lines 11-23 and Page 13, lines 22-24 of Appellant's disclosure, for example, and is shown in Fig. 1. In particular, the controller board (14) is shown and described as comprising a separate board that is configured to control and monitor operating parameters of the liquid dispensing system. The control board (14) is "independent of" --i.e., a separate component and not the same hardware as-- host PC (13) and web server (20). The controller board (14) is coupled to the PC (13) through an RS232 connection in one embodiment as shown in Fig. 1.

Appellant respectfully submits that in rejecting a claim under 35 U.S.C. §112, second paragraph, it is incumbent on the Examiner to establish that one of ordinary skill in the pertinent art, when reading the claims in light of the supporting specification, would not have been able to ascertain with a reasonable degree of precision and particularity the particular area set out and circumscribed by the claims. *Ex parte Wu*, 10 USPQ2d 2031, 2033 (B.P.A.I. 1989). The law is clear that "[i]f the claims, read in the light of the specification[s], reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as the subject

matter permits, the courts can demand no more." *North American Vaccine, Inc. v. American Cyanamide Co.*, 28 USPQ2d 1333, 1339 (Fed. Cir. 1993), *cert. denied*, 114 Supreme Ct. 1645 (1994). Appellant submits that the Examiner has failed to meet his burden and the rejections should be reversed.

Appellant submits that the scope of the subject matter embraced by independent claims 1 and 5 is clear so that these claims do indeed particularly point out and distinctly claim the subject matter which Appellant regards as his invention. The mere fact that the controller is coupled to the web server does not imply, contrary to Examiner's position, that the controller cannot be independent of the web server when it is clear from Appellant's disclosure that "independent of" simply means that the controller is a separate component and not the same hardware as the web server.

Indeed, the "independent of" language was added to each of independent claims 1 and 5 to clearly distinguish over Baker et al. U.S. Patent No. 5,696,898 which was previously applied in the Final Office Action mailed April 27, 2005. In that Office Action, Examiner took the position that the web server of Baker et al. could also be considered the "controller". In Appellant's After Final Amendment mailed June 27, 2005, each of independent claims 1 and 5 was amended to clarify that Appellant's claimed controller is not the same hardware as the recited web server, but rather is a separate component that is coupled to and independent of the web server, as is readily evident from Appellant's disclosure and distinctly claimed.

Accordingly, Appellant respectfully requests that the rejections of claims 1 and 5 under 35 U.S.C. §112, second paragraph, be reversed.

B.   The Rejections of Claims 1-3 and 5-7 Under 35 U.S.C. §103(a)

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Papadopoulos et al. in view of Shannon et al. Appellant respectfully submits that these rejections should be reversed for the reasons set forth below.

Papadopoulos et al. is directed to a control system that provides security for various control functions of a PLC through a password and user list stored in a web server of the control system (see Col. 4, lines 14-21). As Examiner properly recognized in the Final Office Action, Papadopoulos et al. fails to teach or suggest the steps of identifying at a web server a network address of a user addressing the web server via network, and restricting access of the user to selected published web screens of the plurality of web screens published by the web server based upon the identified address of the user as recited in each of independent claims 1 and 5. Appellant submits that the secondary Shannon et al. reference fails to overcome this deficiency and the rejections should be reversed.

Shannon et al. is directed to a network device, such as a proxy server, router, switch, firewall, bridge or other network gateway, that interfaces between a Local Area Network (LAN) and a Wide Area Network (WAN) to provide data and information access control between a client connected to the LAN and a web server connected to the WAN. The access control process analyzes data in each request from the clients and determines if the request should be forwarded for processing by a server to which it is destined (see Abstract, lines 5-7 and Col. 12, lines 37-45). In this way, the network device serves as a "gateway" through which all data communications must pass between the LAN and the WAN (see Col. 5, lines 6-21 and 51-63). In the system of

Shannon et al., the network device determines whether or not a particular request from a client should be forwarded to the WAN and thus to the server (see Col 12., lines 37-45 and Col. 13, lines 23-29).

In Appellant's claimed invention, by contrast, a request from a remote computer (i.e., "client") is forwarded to the web server that publishes a plurality of web screens, and it is *that* web server that identifies the network address of a user accessing the web server via the network and restricts access of the user to selected published web screens of the plurality of web screens published by the web server based on the identified address of the user. In Appellant's claimed invention, as recited in each of independent claims 1 and 5, the access control function is performed by the web server that publishes the plurality of web screens and not by any intermediate ("gateway") device as taught by Shannon et al.

Appellant submits that one of ordinary skill in the art would not be motivated to incorporate the access control system of Shannon et al. into the control system of Papadopoulos et al. since this would destroy the intended purpose and function of the Shannon et al. access control system to process requests from a client *prior to* forwarding the request to a WAN for processing by a server. The access control function of Shannon et al. is performed by an intermediate "gateway" between a LAN and a WAN and thus the hypothetical combination as sought in the rejections would fail to achieve Appellant's claimed invention as recited in each of independent claims 1 and 5.

Accordingly, Appellant respectfully submits that the rejections of claims 1-3 and 5-7 as being unpatentable under 35 U.S.C. §103(a) over Papadopoulos et al. in view of Shannon et al. should be reversed.

CONCLUSION

For the reasons stated, Appellant respectfully urges the Board to reverse the rejections of claims 1-3 and 5-7.

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Claims Appendix

1. (PREVIOUSLY PRESENTED) A method of regulating network access to selected functions of a controller of a machine, comprising:

   coupling a controller of a machine to a network having a web server configured to publish a plurality of web screens configured to control selected functions of the controller, the controller being operatively coupled to and independent of the web server;

   publishing web screens on the network via the web server for receipt by at least one remote computer coupled to the web server via the network;

   identifying at the web server a network address of a user accessing the web server via the network; and

   restricting access of the user to selected published web screens of the plurality of web screens published by the web server based upon the identified address of the user.

2. (ORIGINAL) The method according to claim 1, wherein a user accessing the web server via the at least one remote computer is restricted in access to a subset of the plurality of published web screens.

3. (ORIGINAL) The method according to claim 1, wherein a user accessing the web server via the web server is unrestricted in access to the plurality of published web screens.

4. (WITHDRAWN) A method for regulating access to selected functions of a controller of a liquid dispensing system from a computer network, wherein a server application is coupled to the computer network and to a serial communications application communicating with the controller, the method comprising:

  publishing a plurality of web screens from the server application;

  applying and receiving signals relating to operating parameters of the liquid dispensing system via the plurality of web screens published by the server application;

  communicating the signals between the controller and the server application.

5. (PREVIOUSLY PRESENTED)   An apparatus for regulating access to selected functions of a controller of a machine from a computer network, comprising:

a web server operatively coupled to and independent of the controller, wherein said web server has a network address and publishes a plurality of web screens on the network configured to control the selected functions of the controller;

at least one remote computer coupled to said web server and having a unique network address;

program code running on said web server configured to identify a network address of a user accessing said web server via said at least one remote computer or said web server and to restrict access of the user to selected published web screens based upon said identified network address.

6. (ORIGINAL)   The apparatus of claim 5, wherein said program code provides restricted access to a subset of said plurality of published web screens for a user accessing said web server via said at least one remote computer.

7. (ORIGINAL)   The apparatus of claim 5, wherein said program code provides unrestricted access to the plurality of web screens for a user accessing the web server via the web server.

8. (WITHDRAWN) An apparatus for regulating access to selected functions of a controller of a liquid dispensing system from a computer network, comprising:

a server application connected to said computer network and operable to publish a plurality of web screens, wherein said server application may apply and receive signals relating to operating parameters of said liquid dispensing system;

a serial communication application coupled to said controller and said server application and configured to apply said signals between said controller and said server application.

Evidence Appendix

None

Related Proceedings Appendix

None